

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Steven Tischer )  
Serial No.: 10/736,440 ) Group Art Unit:  
Filed: December 15, 2003 ) 2626  
For: SYSTEM, METHOD, AND STORAGE ) Examiner:  
MEDIUM FOR GENERATING SPEECH )  
GENERATION COMMANDS )  
ASSOCIATED WITH COMPUTER )  
READABLE INFORMATION )

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR PRE-APPEAL BRIEF CONFERENCE**

In response to the Final Office Action mailed June 23, 2009, and in conjunction with the concurrently filed Notice of Appeal, Applicant requests a Pre-Appeal Brief Conference in view of the following remarks.

## REMARKS

In response to the final Office Action dated June 23, 2009, Applicant respectfully requests reconsideration in a Pre-Appeal Brief Conference based on the following remarks. Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Claims 1, 2, 6, 7, 9, 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu in view of Osterman and Walker (20010047260). This rejection is traversed for the following reasons.

Claim 1 recites, *inter alia*, “a first computer receiving a text to speech request signal from a phone through an email computer server via a communications network; the first computer configured to generate a first collection of speech generation commands based on a first portion of computer readable information in response to the text to speech request signal.” Support for these features is found in Figure 7A, steps 54 and 56 and paragraphs [0030] – [0031] of Applicant’s specification.

Neither Wu nor Osterman teaches or suggests these features. Wu teaches a system that converts an incoming text message into an audio message. There is no text to speech request signal that the first computer is responsive to as recited in claim 1. Osterman teaches a system for delivering video messages to client devices. Osterman determines if a client device has software necessary for delivery of a multi-media message to the client device. There is no text to speech request signal that the first computer is responsive to as recited in claim 1.

The Examiner relies on Walker for the claimed “first computer receiving a text to speech request signal from a phone through an email computer server via a communications network; the first computer configured to generate a first collection of speech generation commands based on a first portion of computer readable information in response to the text to speech request signal.” In applying Walker, the Examiner cites to voice application 16 in Walker as corresponding to the claimed email computer server. The Examiner summarizes item 16 in Walker as “this server receives and send electronic text messages, i.e., it’s an email computer server.” Applicant disagrees with this interpretation of Walker.

The voice application 16 in Walker is described as using speech recognition to understand an audible text request. The voice application 16 recovers the requested text from

a text source 14 and then provides the text to TTS engine farm for conversion to speech. The voice application 16 sends the speech to the telephone user (paragraph [0023]).

There is nothing in Walker to suggest that the voice application 16 is an email computer server or that it can process emails. The voice application 16 can receive voice requests and process DTMF tones. The Examiner's reasoning that the server "receives and send electronic text messages, i.e., it's an email computer server" is flawed. Many devices receive and send electronic messages and are not email servers. A telephone answering machine sends and receives electronic messages, but does not process emails. There is simply no teaching in Walker that voice application 16 is an email server. The Examiner has only made this analogy due to Applicant's claim language, and the Examiner's position is a clear misinterpretation of Walker. Thus, even if Wu, Osterman and Walker are combined, the elements of claim 1 do not result.

For at least the above reasons, claim 1 is patentable over Wu in view of Osterman and Walker. Claims 2 and 6 depend from claim 1 and is patentable over Wu in view of Osterman and Walker for at least the reasons advanced with reference to claim 1.

Claim 7 recites "receiving at a first computer a text to speech request signal from a phone through an email computer server via a communications network; generating a first collection of speech generation commands based on a first portion of computer readable information in a first computer in response to the text to speech request signal." As discussed above, none of Wu, Osterman and Walker teaches or suggests these features. Claims 9 and 14 depend from claim 7 and are patentable over Wu in view of Osterman and Walker for at least the reasons advanced with reference to claim 7.

Claim 15 recites "receiving at a first computer a text to speech request signal from a phone through an email computer server via a communications network; generating a first collection of speech generation commands based on computer readable information in a first computer in response to the text to speech request signal." As discussed above, none of Wu, Osterman and Walker teaches or suggests these features.

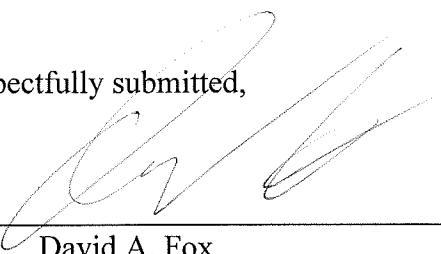
In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

If any extensions of time are required under 37 C.F.R. 1.136, Applicant hereby petitions for such extensions of time and authorize any extension fees to be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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